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#13/IDS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BALBIERZ et al.

APPLICATION No.: 09/823,910

FILED: March 30, 2001

FOR: TISSUE BIOPSY AND TREATMENT  
APPARATUS AND METHOD

EXAMINER: VRETTAKOS, P.

ART UNIT: 3739

CONFIRMATION No.: 7532

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TECHNOLOGY CENTER R3700

**Information Disclosure Statement Before the Mailing of a First Office  
Action after the Filing of A Request for Continued Examination under  
37 CFR §1.114.- 37 CFR 1.97(b)(4)**

Mail Stop RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last [37 CFR 1.97(b)(4)]. The references listed on the enclosed Form PTO-1449 may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

- ☒ Copies of the following references are enclosed:
- ☒ All cited references
  - ☐ References marked by asterisks
  - ☐ The following:
- ☐ Copies of the following references can be found in parent U.S. Application No. \*:
- ☐ All cited references
  - ☐ References marked by asterisks
  - ☐ The following:
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority

citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references
- ☐ References marked by ampersands
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: Sept. 3, 2003

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